

FILED

AUG 23 2013

**New Jersey State Board of
Massage and Bodywork
Therapy Examiners**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MASSAGE AND BODYWORK
THERAPY

IN THE MATTER OF THE
APPLICATION OF

CARLA S. FUNKE

FINAL ORDER OF
DENIAL OF LICENSURE

TO PRACTICE MASSAGE ANDDD
BODYWORK THERAPY IN THE
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Massage and Bodywork Therapy ("the Board") upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Carla S. Funke submitted an application for licensure online on or about January 24, 2013.
2. On Ms. Funke's application, she indicated "N" for "no" in response to the questions as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense.
3. Ms. Funke underwent a criminal history background check which indicated that Ms. Funke had been arrested eight times,

with the first arrest dating from 1983, and the eighth arrest on September 29, 2011. She was convicted in 1983 of shoplifting; in 1991 of possession of marijuana; and of improper behavior in 2006. Other charges were dismissed.

CONCLUSIONS OF LAW

1. Ms. Funke's failure to disclose on her application that she had been arrested on eight occasions, and that three of the arrests resulted in convictions, constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on May 16, 2013, provisionally denying Ms. Funke's application. A copy of the Order was forwarded to Ms. Funke by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Funke replied to the Provisional Order, asking for

consideration. She admitted to lying on her application, but argued that her history of business success, and her skill in helping people through massage therapy, should be considered in mitigation. The Board considered Ms. Funke's arguments, but determined that misrepresentation about the existence of eight arrests and three convictions warranted serious action, and that the consuming public entrust the Board to ensure that licensees are trustworthy and honest. There Board therefore determined that the Provisional Order should be finalized without modification.

ACCORDINGLY,

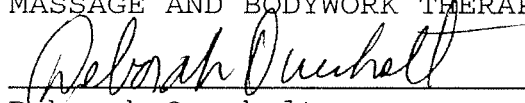
IT IS on this 23rd DAY of August, 2013,

ORDERED that:

1. Ms. Funke's application for licensure as a massage and bodywork therapist in New Jersey is hereby denied. No application for licensure from Ms. Funke will be entertained by the Board for a period of two years, dating from this Final Order.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By:



Deborah Overholt
Chairperson